

REMARKS

Claims 1-22 are pending in this application. By this Amendment, claims 1-22 are amended. Reconsideration of the application is respectfully requested.

The courtesies extended to Applicants' representative during the January 17 personal interview are gratefully appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

The Office Action rejects claims 1, 2 and 4-19 under 35 U.S.C. §103(a) over Qiu et al. (U.S. Patent Application Publication No. 2003/0029705) in view of "IBM Technical Disclosure Bulletin" No. 82024500 (IBM) and Behin et al. (U.S. Patent No. 6,888,979); claims 20-22 under 35 U.S.C. §103(a) over Qiu in view of IBM and Behin and further in view of Hichwa et al. (U.S. Patent No. 6,303,885); and claim 3 under 35 U.S.C. §103(a) over Qiu in view of IBM and Behin and further in view of Wood (U.S. Patent No. 6,367,251). The rejections are respectfully traversed.

As agreed during the personal interview, none of the applied references, alone or in combination, disclose or suggest a method for fabricating a bistable microelectromechanical system (MEMS) based system, that includes lithographically defining a plurality of beams comprising a lowest beam and a highest beam, and providing optical fibers between a position of a first stable state and a position of a second stable state and between the lowest beam and the highest beam, as recited in independent claim 1. Thus, independent claim 1, and its dependent claims, are patentable over a combination of the applied references. Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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